

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Johannessen, Machado, Morrow, Murray,
O'Connell, and Polanco)**

February 22, 2002

An act to amend Sections 473, 473.15, 473.6, 2531, 2920, 2933, 4800, 4804.5, 4990.1, 4990.8, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 7810, 7815.5, 8000, 8005, 8520, 8528, 18602, and 18613 of, to add Sections 2570.25, 2570.26, 2570.27, 2570.28, 2570.29, 2570.30, and 2570.31 to, and to repeal Section 2570.17 of, the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2025, as introduced, Committee on Business and Professions. Professions and vocations.

Existing law provides for the licensure of occupational therapists and the certification of occupational therapy assistants by the California Board of Occupational Therapy. The board is authorized, after a hearing meeting certain requirements, to deny a license or certificate suspend or revoke the license or certificate of, or place on probation, reprimand, censure, or otherwise discipline, a licensee or certified person.

This bill would delete the provisions authorizing censure or other discipline of a licensee or certified person by the board and would instead specify disciplinary methods and application, define unprofessional conduct, and authorize a holder of a license to petition the board for reinstatement or for modification of a penalty.

Existing law provides for the Joint Legislative Sunset Review Committee, which is authorized to act until January 1, 2004. Existing law provides for, within the Board of Consumer Affairs, the existence

of (a) the Speech-Language Pathology and Audiology Board, which is repealed January 1, 2005, (b) the Board of Psychology, which is repealed January 1, 2006, (c) the Veterinary Medical Board, which is repealed January 1, 2005, (d) the Board of Behavioral Sciences, which is repealed January 1, 2006, (e) the California Architects Board, which is repealed January 1, 2006, (f) the Board for Professional Engineers and Land Surveyors, which is repealed January 1, 2005, (g) the Board for Geologists and Geophysicists, which is repealed on January 1, 2006, (h) the Court Reporters' Board of California, which is repealed January 1, 2006, (i) the Structural Pest Control Board, which is repealed January 1, 2006, and (j) the State Athletic Commission, which is repealed January 1, 2007. Existing law provides that these boards are subject to the review of the Joint Legislative Sunset Review Committee upon their repeal.

This bill would extend the authorization of the Joint Legislative Sunset Review Committee until January 1, 2012, and would extend the repeal dates for the boards by one year.

The Osteopathic Medical Board of California is required to prepare an analysis and submit a report to the Joint Legislative Sunset Review Committee on or before September 1, 2003.

The bill would extend the date by which the board is required to submit the report to September 1, 2004.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 473 of the Business and Professions
2 Code is amended to read:
3 473. (a) There is hereby established the Joint Legislative
4 Sunset Review Committee.
5 (b) The Joint Legislative Sunset Review Committee shall
6 consist of three members appointed by the Senate Committee on
7 Rules and three members appointed by the Speaker of the
8 Assembly. No more than two of the three members appointed from
9 either the Senate or the Assembly shall be from the same party. The
10 Joint Rules Committee shall appoint the chairperson of the
11 committee.



1 (c) The Joint Legislative Sunset Review Committee shall have
2 and exercise all of the rights, duties, and powers conferred upon
3 investigating committees and their members by the Joint Rules of
4 the Senate and Assembly as they are adopted and amended from
5 time to time, which provisions are incorporated herein and made
6 applicable to this committee and its members.

7 (d) The Speaker of the Assembly and the Senate Committee on
8 Rules may designate staff for the Joint Legislative Sunset Review
9 Committee.

10 (e) The Joint Legislative Sunset Review Committee is
11 authorized to act until January 1, ~~2004~~ 2012, at which time the
12 committee's existence shall terminate.

13 SEC. 2. Section 473.15 of the Business and Professions Code
14 is amended to read:

15 473.15. (a) The Joint Legislative Sunset Review Committee
16 established pursuant to Section 473 shall review the following
17 boards established by initiative measures, as provided in this
18 section:

19 (1) The State Board of Chiropractic Examiners established by
20 an initiative measure approved by electors November 7, 1922.

21 (2) The Osteopathic Medical Board of California established
22 by an initiative measure approved June 2, 1913, and acts
23 amendatory thereto approved by electors November 7, 1922.

24 (b) The Osteopathic Medical Board of California shall prepare
25 an analysis and submit a report as described in subdivisions (a) to
26 (e), inclusive, of Section 473.2, to the Joint Legislative Sunset
27 Review Committee on or before September 1, ~~2003~~ 2004.

28 (c) The State Board of Chiropractic Examiners shall prepare an
29 analysis and submit a report as described in subdivisions (a) to (e),
30 inclusive, of Section 473.2, to the Joint Legislative Sunset Review
31 Committee on or before September 1, 2001.

32 (d) The Joint Legislative Sunset Review Committee shall,
33 during the interim recess of 2003 for the Osteopathic Medical
34 Board of California, and during the interim recess of 2001 for the
35 State Board of Chiropractic Examiners, hold public hearings to
36 receive testimony from the Director of Consumer Affairs, the
37 board involved, the public, and the regulated industry. In that
38 hearing, each board shall be prepared to demonstrate a compelling
39 public need for the continued existence of the board or regulatory

1 program, and that its licensing function is the least restrictive
2 regulation consistent with the public health, safety, and welfare.

3 (e) The Joint Legislative Sunset Review Committee shall
4 evaluate and make determinations pursuant to Section 473.4 and
5 shall report its findings and recommendations to the department as
6 provided in Section 473.5.

7 (f) In the exercise of its inherent power to make investigations
8 and ascertain facts to formulate public policy and determine the
9 necessity and expediency of contemplated legislation for the
10 protection of the public health, safety, and welfare, it is the intent
11 of the Legislature that the State Board of Chiropractic Examiners
12 and the Osteopathic Medical Board of California be reviewed
13 pursuant to this section.

14 (g) It is not the intent of the Legislature in requiring a review
15 under this section to amend the initiative measures that established
16 the State Board of Chiropractic Examiners or the Osteopathic
17 Medical Board of California.

18 SEC. 3. Section 473.6 of the Business and Professions Code
19 is amended to read:

20 473.6. The chairpersons of the appropriate policy committees
21 of the Legislature may refer to the Joint Legislative Sunset Review
22 Committee *for review of* any legislative issues or proposals to
23 create new licensure *or regulatory* categories or create a new
24 licensing board ~~if the issues or proposals are related to the review~~
25 ~~of a particular board pursuant to this division~~ *under the provisions*
26 *of this code or pursuant to Chapter 1.5 (commencing with Section*
27 *9148) of Part 1 of Division 2 of Title 2 of the Government Code.*

28 SEC. 4. Section 2531 of the Business and Professions Code
29 is amended to read:

30 2531. There is hereby created a Speech-Language Pathology
31 and Audiology Board under the jurisdiction of the Medical Board
32 of California. The Speech-Language Pathology and Audiology
33 Board shall consist of nine members, three of whom shall be public
34 members. The Speech-Language Pathology and Audiology Board
35 shall enforce and administer this chapter.

36 This section shall become inoperative on July 1, ~~2004~~ 2005,
37 and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted
38 statute, that becomes effective on or before January 1, ~~2005~~ 2006,
39 deletes or extends the inoperative and repeal dates.

SEC. 5. Section 2570.17 of the Business and Professions Code is repealed.

~~2570.17. The board may, after a hearing in accordance with the Administrative Procedure Act, deny a license or certificate, or suspend or revoke the license or certificate of, or place on probation, reprimand, censure, or otherwise discipline, a licensee or certificated person in accordance with Section 480.~~

SEC. 6. Section 2570.25 is added to the Business and Professions Code, to read:

2570.25. (a) The board may, after a hearing, deny, suspend, revoke, or place on probation, a license, certificate, inactive license, inactive certificate, or limited permit.

(b) As used in this chapter, “license” includes a license, certificate, limited permit, or any other authorization to engage in practice regulated by this chapter.

(c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 7. Section 2570.26 is added to the Business and Professions Code, to read:

2570.26. (a) The board may discipline a licensee by any or a combination of the following methods:

(1) Placing the license on probation with terms and conditions.

(2) Suspending the license and the right to practice occupational therapy for a period not to exceed one year.

(3) Revoking the license.

(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

(5) Taking other action as the board, in its discretion, deems proper.

(b) The board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure.

SEC. 8. Section 2570.27 is added to the Business and Professions Code, to read:

2570.27. The board may deny or discipline a licensee for any of the following:

1 (a) Unprofessional conduct, including, but not limited to, the
2 following:

3 (1) Incompetence or gross negligence in carrying out usual
4 occupational therapy functions.

5 (2) Repeated similar negligent acts in carrying out usual
6 occupational therapy functions.

7 (3) A conviction of practicing medicine without a license in
8 violation of Chapter 5 (commencing with Section 2000), in which
9 event a certified copy of the record of conviction shall be
10 conclusive evidence thereof.

11 (4) The use of advertising relating to occupational therapy
12 which violates Section 17500.

13 (5) Denial of licensure, revocation, suspension, restriction, or
14 any other disciplinary action against a licensee by another state or
15 territory of the United States, by any other government agency, or
16 by another California health care professional licensing board. A
17 certified copy of the decision, order or judgment shall be
18 conclusive evidence thereof.

19 (b) Procuring a license by fraud, misrepresentation, or mistake.

20 (c) Violating or attempting to violate, directly or indirectly, or
21 assisting in or abetting the violation of, or conspiring to violate,
22 any provision or term of this chapter or any regulation adopted
23 pursuant to the chapter.

24 (d) Making or giving any false statement or information in
25 connection with the application for issuance or renewal of a
26 license.

27 (e) Conviction of a crime or of any offense substantially related
28 to the qualifications, functions, or duties of a licensee, in which
29 event the record of the conviction shall be conclusive evidence
30 thereof.

31 (f) Impersonating an applicant or acting as proxy for an
32 applicant in any examination required under this chapter for the
33 issuance of a license.

34 (g) Impersonating a licensed practitioner, or permitting or
35 allowing another unlicensed person to use a license.

36 (h) Committing any fraudulent, dishonest, or corrupt act that is
37 substantially related to the qualifications, functions, or duties of a
38 licensee.

39 (i) Committing any act punishable as a sexually related crime,
40 if that act is substantially related to the qualifications, functions,



1 or duties of a licensee, in which event a certified copy of the record
2 of conviction shall be conclusive evidence thereof.

3 (j) Using excessive force upon or mistreating or abusing any
4 patient. For the purposes of this subdivision, “excessive force”
5 means force clearly in excess of that which would normally be
6 applied in similar clinical circumstances.

7 (k) Falsifying or making grossly incorrect, grossly
8 inconsistent, or unintelligible entries in a patient or hospital record
9 or any other record.

10 (l) Changing the prescription of a physician and surgeon or
11 falsifying verbal or written orders for treatment or a diagnostic
12 regime received, whether or not that action resulted in actual
13 patient harm.

14 (m) Failing to maintain confidentiality of patient medical
15 information, except as disclosure is otherwise permitted or
16 required by law.

17 (n) Delegating to an unlicensed employee or person a service
18 that requires the knowledge, skills, abilities, or judgement of a
19 licensee.

20 (o) Committing any act that would be grounds for denial of a
21 license under Section 480.

22 (p) Except for good cause, the knowing failure to protect
23 patients by failing to follow infection control guidelines of the
24 board, thereby risking transmission of blood-borne infectious
25 diseases from licensee to patient, from patient to patient, or from
26 patient to licensee.

27 (1) In administering this subdivision, the board shall consider
28 referencing the standards, regulations, and guidelines of the State
29 Department of Health Services developed pursuant to Section
30 1250.11 of the Health and Safety Code and the standards,
31 guidelines, and regulations pursuant to the California
32 Occupational Safety and Health Act of 1973 (Part 1 (commencing
33 with Section 63001) of Division 5 of the Labor Code) for
34 preventing the transmission of HIV, hepatitis B, and other
35 blood-borne pathogens in health care settings. As necessary to
36 encourage appropriate consistency in the implementation of this
37 subdivision, the board shall consult with the Medical Board of
38 California, the Board of Podiatric Medicine, the Dental Board of
39 California, the Board of Registered Nursing, and the Board of
40 Vocational Nursing and Psychiatric Technicians.

(2) The board shall seek to ensure that licensees are informed of their responsibility to minimize the risk of transmission of blood-borne infectious diseases from health care provider to patient, from patient to patient, and from patient to health care provider, and are informed of the most recent scientifically recognized safeguards for minimizing the risks of transmission.

SEC. 9. Section 2570.28 is added to the Business and Professions Code, to read:

2570.28. In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or, except as directed by a licensed physician and surgeon, dentist, or podiatrist, to administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use to an extent or in a manner dangerous or injurious to himself or herself, to any other person, or to the public, or that impairs his or her ability to conduct with safety to the public the practice authorized by his or her license, of any of the following:

(1) A controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code.

(2) A dangerous drug or dangerous device as defined in Section 4022.

(3) Alcoholic beverages.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of the commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital or patient record, or any other record, pertaining to the substances described in subdivision (a) of this section.

SEC. 10. Section 2570.29 is added to the Business and Professions Code, to read:

2570.29. The board shall retain jurisdiction to proceed with any investigation, action or disciplinary proceeding against a license, or to render a decision suspending or revoking a license, regardless of the expiration, lapse, or suspension of the license by operation of law, by order or decision of the board or a court of law, or by the voluntary surrender of a license by the licensee.

SEC. 11. Section 2570.30 is added to the Business and Professions Code, to read:

2570.30. If a license is suspended, the holder may not practice occupational therapy during the term of suspension. Upon the expiration of the term of suspension, the license shall be reinstated and the holder entitled to resume practice under any remaining terms of the discipline, unless it is established to the satisfaction of the board that the holder of the license practiced in this state during the term of suspension. In this event, the board may, after a hearing on this issue alone, revoke the license.

SEC. 12. Section 2570.31 is added to the Business and Professions Code, to read:

2570.31. (a) A holder of a license that has been revoked, suspended, or placed on probation, may petition the board for reinstatement or modification of a penalty, including reduction or termination of probation, after a period not less than the applicable following minimum period has elapsed from either the effective date of the decision ordering that disciplinary action, or, if the order of the board or any portion of it was stayed, from the date the disciplinary action was actually implemented in its entirety. The minimum periods that shall elapse prior to a petition are as follows:

(1) For a license that was revoked for any reason other than mental or physical illness, at least three years.

(2) For early termination of probation scheduled for three or more years, at least two years.

(3) For modification of a penalty, reinstatement of a license revoked for mental or physical illness, or termination of probation scheduled for less than three years, at least one year.

(4) The board may, in its discretion, specify in its disciplinary order a lesser period of time, provided that the period shall not be less than one year.

(b) The petition submitted shall contain any information required by the board, which may include a current set of fingerprints accompanied by the fingerprinting fee.

(c) The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(d) The board itself shall hear the petition and the administrative law judge shall prepare a written decision setting forth the reasons supporting the decision.

(e) The board may grant or deny the petition, or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction of penalty.

(f) The board may refuse to consider a petition while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or subject to an order of registration pursuant to Section 290 of the Penal Code.

(g) No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

SEC. 13. Section 2920 of the Business and Professions Code is amended to read:

2920. The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

This section shall become inoperative on July 1, ~~2005~~ 2006, and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, ~~2006~~ 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 14. Section 2933 of the Business and Professions Code is amended to read:

2933. Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

This section shall become inoperative on July 1, ~~2005~~ 2006, and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, ~~2006~~ 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 15. Section 4800 of the Business and Professions Code is amended to read:

4800. There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board consists of seven members, three of whom shall be public members.

This section shall become inoperative on July 1, ~~2004~~ 2005, and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, ~~2005~~ 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review provided for by Division 1.2 (commencing with Section 473).

SEC. 16. Section 4804.5 of the Business and Professions Code is amended to read:

4804.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, ~~2004~~ 2005, and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, ~~2005~~ 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 17. Section 4990.1 of the Business and Professions Code is amended to read:

1 4990.1. There is in the Department of Consumer Affairs a
2 Board of Behavioral Sciences which consists of 11 members.

3 This section shall become inoperative on July 1, ~~2005~~ 2006,
4 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
5 statute, which becomes effective on or before January 1, ~~2006~~
6 2007, deletes or extends the dates on which it becomes inoperative
7 and is repealed.

8 SEC. 18. Section 4990.8 of the Business and Professions
9 Code is amended to read:

10 4990.8. The executive officer shall exercise the powers and
11 perform the duties delegated by the board and vested in him or her
12 by this chapter.

13 This section shall become inoperative on July 1, ~~2005~~ 2006,
14 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
15 statute, which becomes effective on or before January 1, ~~2006~~
16 2007, deletes or extends the dates on which it becomes inoperative
17 and is repealed.

18 SEC. 19. Section 5510 of the Business and Professions Code
19 is amended to read:

20 5510. There is in the Department of Consumer Affairs a
21 California Architects Board which consists of 10 members.

22 Any reference in law to the California Board of Architectural
23 Examiners shall mean the California Architects Board.

24 This section shall become inoperative on July 1, ~~2004~~ 2005,
25 and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted
26 statute, which becomes effective on or before January 1, ~~2005~~
27 2006, deletes or extends the dates on which it becomes inoperative
28 and is repealed. The repeal of this section renders the board subject
29 to the review required by Division 1.2 (commencing with Section
30 473).

31 SEC. 20. Section 5517 of the Business and Professions Code
32 is amended to read:

33 5517. The board may appoint a person exempt from civil
34 service who shall be designated as an executive officer and who
35 shall exercise the powers and perform the duties delegated by the
36 board and vested in him or her by this chapter.

37 This section shall become inoperative on July 1, ~~2004~~ 2005,
38 and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted
39 statute, which becomes effective on or before January 1, ~~2005~~

1 2006, deletes or extends the dates on which it becomes inoperative
2 and is repealed.

3 SEC. 21. Section 5620 of the Business and Professions Code
4 is amended to read:

5 5620. The duties, powers, purposes, responsibilities, and
6 jurisdiction of the California State Board of Landscape Architects
7 that were succeeded to and vested with the Department of
8 Consumer Affairs in accordance with Chapter 908 of the Statutes
9 of 1994 are hereby transferred to the California Architects Board.

10 The Legislature finds that the purpose for the transfer of power is
11 to promote and enhance the efficiency of state government and that
12 assumption of the powers and duties by the California Architects
13 Board shall not be viewed or construed as a precedent for the
14 establishment of state regulation over a profession or vocation that
15 was not previously regulated by a board, as defined in Section 477.

16 (a) There is in the Department of Consumer Affairs a
17 California Architects Board as defined in Article 2 (commencing
18 with Section 5510) of Chapter 3.

19 Whenever in this chapter “board” is used it refers to the
20 California Architects Board.

21 (b) Except as provided herein, the board may delegate its
22 authority under this chapter to the Landscape Architect Technical
23 Committee.

24 (c) After review of proposed regulations, the board may direct
25 the examining committee to notice and conduct hearings to adopt,
26 amend, or repeal regulations pursuant to Section 5630, provided
27 that the board itself shall take final action to adopt, amend, or
28 repeal those regulations.

29 (d) The board shall not delegate its authority to discipline a
30 landscape architect or to take action against a person who has
31 violated this chapter.

32 (e) This section shall become inoperative on July 1, ~~2004~~ 2005,
33 and as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted
34 statute, that becomes operative on or before January 1, ~~2005~~ 2006,
35 deletes or extends the date on which it becomes inoperative and is
36 repealed.

37 SEC. 22. Section 5621 of the Business and Professions Code
38 is amended to read:

39 5621. (a) There is hereby created within the jurisdiction of
40 the board, a Landscape Architects Technical Committee,

1 hereinafter referred to in this chapter as the landscape architects
2 committee.

3 (b) The landscape architects committee shall consist of five
4 members who shall be licensed to practice landscape architecture
5 in this state. The Governor shall appoint three of the members. The
6 Senate Committee on Rules and the Speaker of the Assembly shall
7 appoint one member each.

8 (c) The initial members to be appointed by the Governor are as
9 follows: one member for a term of one year; one member for a term
10 of two years; and one member for a term of three years. The Senate
11 Committee on Rules and the Speaker of the Assembly shall
12 initially each appoint one member for a term of four years.
13 Thereafter, appointments shall be made for four-year terms,
14 expiring on June 1 of the fourth year and until the appointment and
15 qualification of his or her successor or until one year shall have
16 elapsed whichever first occurs. Vacancies shall be filled for the
17 unexpired term.

18 (d) No person shall serve as a member of the landscape
19 architects committee for more than two consecutive terms.

20 (e) This section shall become inoperative on July 1, ~~2004~~ 2005,
21 and as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted
22 statute, that becomes operative on or before January 1, ~~2005~~ 2006,
23 deletes or extends the dates on which it becomes inoperative and
24 is repealed.

25 SEC. 23. Section 5622 of the Business and Professions Code
26 is amended to read:

27 5622. (a) The landscape architects committee may assist the
28 board in the examination of candidates for a landscape architect's
29 license and, after investigation, evaluate and make
30 recommendations regarding potential violations of this chapter.

31 (b) The landscape architects committee may investigate, assist,
32 and make recommendations to the board regarding the regulation
33 of landscape architects in this state.

34 (c) The landscape architects committee may perform such
35 duties and functions that have been delegated to it by the board
36 pursuant to Section 5620.

37 (d) The landscape architects committee may send a
38 representative to all meetings of the full board to report on the
39 committee's activities.



(e) This section shall become inoperative on July 1, ~~2004~~ 2005, and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, ~~2005~~ 2006, deletes or extends the date on which it becomes inoperative and is repealed.

SEC. 24. Section 6710 of the Business and Professions Code is amended to read:

6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, which consists of 13 members.

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors is deemed to refer to the Board for Professional Engineers and Land Surveyors.

(c) This section shall become inoperative on July 1, ~~2004~~ 2005, and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted statute, that becomes effective on or before January 1, ~~2005~~ 2006, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473). However, the review of the board shall be limited to only those unresolved issues identified by the Joint Legislative Sunset Review Committee.

SEC. 25. Section 6714 of the Business and Professions Code is amended to read:

6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.

This section shall become inoperative on July 1, ~~2004~~ 2005, and, as of January 1, ~~2005~~ 2006, is repealed, unless a later enacted statute, that becomes effective on or before January 1, ~~2005~~ 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 26. Section 7810 of the Business and Professions Code is amended to read:

7810. The Board for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. Except as provided in this section, the board shall consist of eight members, five of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist.

1 Each member shall hold office until the appointment and
2 qualification of the member's successor or until one year has
3 elapsed from the expiration of the term for which the member was
4 appointed, whichever occurs first. Vacancies occurring prior to the
5 expiration of the term shall be filled by appointment for the
6 remainder of the unexpired term.

7 Each appointment shall be for a four-year term expiring June 1
8 of the fourth year following the year in which the previous term
9 expired. No person shall serve as a member of the board for more
10 than two consecutive terms.

11 The Governor shall appoint three of the public members and the
12 three members qualified as provided in Section 7811. The Senate
13 Committee on Rules and the Speaker of the Assembly shall each
14 appoint a public member, and their initial appointment shall be
15 made to fill, respectively, the first and second public member
16 vacancies that occurred on or after January 1, 1983.

17 At the time the first vacancy is created by the expiration of the
18 term of a public member appointed by the Governor, the board
19 shall be reduced to consist of seven members, four of whom shall
20 be public members, two of whom shall be geologists, and one of
21 whom shall be a geophysicist. Notwithstanding any other
22 provision of law, the term of that member shall not be extended for
23 any reason, except as provided in this section.

24 This section shall become inoperative on July 1, ~~2005~~ 2006,
25 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
26 statute, that becomes operative on or before January 1, ~~2006~~ 2007,
27 deletes or extends the dates on which it becomes inoperative and
28 is repealed. The repeal of this section renders the board subject to
29 the review required by Division 1.2 (commencing with Section
30 473).

31 SEC. 27. Section 7815.5 of the Business and Professions
32 Code is amended to read:

33 7815.5. The board may appoint a person exempt from civil
34 service who shall be designated as an executive officer and who
35 shall exercise the powers and perform the duties delegated by the
36 board and vested in him or her by this chapter.

37 This section shall become inoperative on July 1, ~~2005~~ 2006,
38 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
39 statute, which becomes effective on or before January 1, ~~2006~~

2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 28. Section 8000 of the Business and Professions Code is amended to read:

8000. There is in the Department of Consumer Affairs a Court Reporters Board of California, which consists of five members, three of whom shall be public members and two of whom shall be holders of certificates issued under this chapter who have been actively engaged as shorthand reporters within this state for at least five years immediately preceding their appointment.

This section shall become inoperative on July 1, ~~2005~~ 2006, and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, ~~2006~~ 2007, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473), except that the review shall be limited to only those unresolved issues identified by the Joint Legislative Sunset Review Committee.

SEC. 29. Section 8005 of the Business and Professions Code is amended to read:

8005. The Court Reporters Board of California is charged with the executive functions necessary for effectuating the purposes of this chapter. It may appoint committees as it deems necessary or proper. The board may appoint, prescribe the duties, and fix the salary of an executive officer. Except as provided by Section 159.5, the board may also employ other employees as may be necessary, subject to civil service and other provisions of law.

This section shall become inoperative on July 1, ~~2005~~ 2006, and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, ~~2006~~ 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473), except that the review shall be limited to the board's examination program.

SEC. 30. Section 8520 of the Business and Professions Code is amended to read:

1 8520. (a) There is in the Department of Consumer Affairs a
2 Structural Pest Control Board, which consists of seven members.

3 (b) Subject to the jurisdiction conferred upon the director by
4 Division 1 (commencing with Section 100) of this code, the board
5 is vested with the power to and shall administer the provisions of
6 this chapter.

7 (c) It is the intent of the Legislature that consumer protection
8 is the primary mission of the board.

9 (d) This section shall become inoperative on July 1, ~~2005~~ 2006,
10 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
11 statute, which becomes effective on or before January 1, ~~2006~~
12 2007, deletes or extends the dates on which it becomes inoperative
13 and is repealed. The repeal of this section renders the board subject
14 to the review required by Division 1.2 (commencing with Section
15 473).

16 SEC. 31. Section 8528 of the Business and Professions Code
17 is amended to read:

18 8528. With the approval of the director, the board shall
19 appoint a registrar, fix his or her compensation and prescribe his
20 or her duties.

21 The registrar is the executive officer and secretary of the board.

22 This section shall become inoperative on July 1, ~~2005~~ 2006 ,
23 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
24 statute, which becomes effective on or before January 1, ~~2006~~
25 2007, deletes or extends the dates on which it becomes inoperative
26 and is repealed.

27 SEC. 32. Section 18602 of the Business and Professions Code
28 is amended to read:

29 18602. Except as provided in this section, there is in the
30 Department of Consumer Affairs the State Athletic Commission,
31 which consists of eight members. Six members shall be appointed
32 by the Governor, one member shall be appointed by the Senate
33 Rules Committee, and one member shall be appointed by the
34 Speaker of the Assembly.

35 The members of the commission appointed by the Governor are
36 subject to confirmation by the Senate pursuant to Section 1322 of
37 the Government Code.

38 No person who is licensed under this chapter as a promoter,
39 manager, or judge may be appointed or reappointed to, or serve on,
40 the commission.

1 Upon the first expiration of the term of a member appointed by
2 the Governor, the commission shall be reduced to seven members.
3 Notwithstanding any provision of law, the term of that member
4 shall not be extended for any reason.

5 This section shall become inoperative on July 1, ~~2005~~ 2006, and
6 as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
7 statute, which becomes operative on or before January 1, ~~2006~~
8 2007, deletes or extends the dates on which it becomes inoperative
9 and is repealed. The repeal of this section renders the commission
10 subject to the review required by Division 1.2 (commencing with
11 Section 473).

12 SEC. 33. Section 18613 of the Business and Professions Code
13 is amended to read:

14 18613. The commission shall appoint an executive officer and
15 fix his or her compensation. The executive officer shall carry out
16 the duties prescribed by this chapter and additional duties as may
17 be delegated by the commission. The commission may employ in
18 accordance with Section 154 other personnel as may be necessary
19 for the administration of this chapter.

20 This section shall become inoperative on July 1, ~~2005~~ 2006,
21 and, as of January 1, ~~2006~~ 2007, is repealed, unless a later enacted
22 statute, which becomes effective on or before January 1, ~~2006~~
23 2007, deletes or extends the dates on which it becomes inoperative
24 and is repealed.

25 SEC. 34. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety
27 within the meaning of Article IV of the Constitution and shall go
28 into immediate effect. The facts constituting the necessity are:

29 To enable the Occupational Therapy Board to properly
30 administer the licensing law and protect the public from
31 incompetent licensed occupational therapists as soon as possible,
32 and to extend by one year the Legislature's sunset review process
33 over specified licensing agencies in order to immediately delay the
34 commencement of the legislative review process, it is necessary
35 that this act go into effect immediately.

